

Remarks

Claims 1-14, 16-20 and 22 are pending in the application, and each was rejected. By this paper, claim 1 is amended, and claim 23 is added. Based on the following, consideration of the amended and new claims, and reconsideration of the remaining rejected claims, are requested.

Claim Rejections—35 U.S.C. § 102

The Examiner rejected claims 1, 7 and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0168836 (Sato et al.). The Examiner states that "Sato discloses a side airbag (1) apparatus (see at least Figs. 7 and 8) having side aspect including a generally triangular portion when the airbag is deployed. The side aspect being 'at least partially' defined by a posterior edge, a top edge extending forward from the posterior edge, at least a portion of the bottom edge extending forward and upward toward the top edge, such that the side aspect narrows from a back region to a front region to at least partially define the generally triangular portion." Applicants respectfully disagree with the Examiner's interpretation of the Sato et al. reference, including the position that it depicts a "generally triangular portion" in the side aspect. Even so, Applicants have, by this paper, amended claim 1 to more particularly point out and distinctly claim the subject matter of the invention.

Amended claim 1 recites a side airbag apparatus for a vehicle that includes an airbag having a side aspect including a generally triangular portion disposed toward a front of the airbag when the airbag is deployed, "the generally triangular portion being defined by [a] top edge, an axis intersecting the top edge and the bottom edge, and at least a portion of the bottom edge extending forward and upward from the axis toward the top edge, such that the generally triangular portion substantially narrows from the axis to a front of the airbag...." In contrast, the airbags illustrated in Sato et al. are not generally triangular, indeed, they have at least four sides. In Figures 7 and 8 of Sato et al., for example, a bottom edge extends forward and upward from its lowest point, and a top edge extends along the top of the airbag. If an axis is drawn intersecting the top and bottom edges—such as is expressly recited in

amended claim 1—the front portion of the Sato et al. airbag is not defined, rather, a front edge is needed to complete the geometry; this makes the front portion of the Sato et al. airbag a four-sided figure that is not generally triangular. Moreover, the Sato et al. airbag does not "substantially narrow" from such an axis to the front of the airbag; indeed, the front of the Sato et al. airbag is one of the widest portions of the side aspect.

Because amended claim 1 of the present application contains elements that are neither expressly nor inherently described in Sato et al., Applicants submit that amended claim 1 is not anticipated by that reference. Claims 7 and 21 each depend directly from amended claim 1, and each contains all of the limitations of amended claim 1 as well as additional limitations that further distinguish it from the cited reference. Therefore, Applicants also submit that claims 7 and 21 are not anticipated by Sato et al.

Claim Rejections—35 U.S.C. § 103

The Examiner rejected claims 2, 8, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of U.S. Patent No. 6,991,257 (Zhao et al.). Applicants note that Zhao qualifies as prior art under 35 U.S.C. § 102(e), and on behalf of Applicants, the undersigned states the following:

The present application and Zhao et al. were, at the time the invention of the present application was made, subject to an obligation of assignment to the same person.

The undersigned further notes that both the present application and Zhao et al. are assigned to Ford Global Technologies, LLC, which is a wholly owned subsidiary of Ford Motor Company. Based on the foregoing, Applicants submit that the Zhao et al. reference is not properly relied upon in the instant Section 103 rejection, and that each of these claims is patentable over Sato et al. alone.

The Examiner rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of U.S. Patent No. 7,108,278 (Kai et al.). The combination of Sato et al. and Kai et al. does not teach or suggest all of the claim limitations of either of claims 3 or 6, each of which depends directly from amended claim 1. For example, the combination of Sato et al. and Kai et al. does not teach or suggest the generally triangular side aspect as expressly recited in amended claim 1. Applicants therefore submit that claims 3 and 6 are patentable over the cited combination.

The Examiner also rejected claims 4 and 5 over Sato et al. in view of U.S. Patent No. 6,344,251 (Keshavaraj et al.). Like claims 3 and 6, claims 4 and 5 each depend directly from amended claim 1; moreover, amended claim 1 contains limitations that are neither taught nor suggested by the Sato et al. and Keshavaraj et al. combination. Therefore, Applicants submit that claims 4 and 5 are patentable over the cited combination.

The Examiner further rejected claims 9, 12 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Zhao et al. as applied to claims 2, 8, 13 and 14, and further in view of Kai et al. The Examiner also rejected claims 10, 11, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Zhao et al. as applied to claims 2, 8, 13 and 14, and further in view of Keshavaraj et al. As discussed in detail above, Zhao et al. does not form the basis of a proper Section 103 rejection. The remaining combinations of references fail to teach or suggest all of the claim limitations of any of the rejected claims, and Applicants submit that each is patentable over the cited combinations of references.

New Claim

By this paper, claim 23 is added as a dependent claim, depending directly from amended claim 1. In addition to having all of the limitations of amended claim 1, claim 23 further recites that "the axis is disposed forward of the posterior edge." This configuration of an airbag further defines and distinguishes over the cited references. It is fully described in the specification of the application as originally filed, including being illustrated in Figure 2;

therefore, no new matter has been added. In addition, claim 23, having all of the limitations of amended claim 1, is believed to be patentable over the cited references for at least the reasons given above with regard to amended claim 1.

Please charge the extra claim fee of \$50.00, and charge any additional fees or credit any over overpayments as a result of the filing of this paper, to Ford Global Technologies, LLC Deposit Account No. 06-1510.

Respectfully submitted,

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